

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MARCH 7, 2005

D042582 City of San Diego v. Barratt American Incorporated et al.

The judgment in favor of the City and against Barratt is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D044033 People v. Vasquez

The petition for rehearing is denied.

D045708 In re Castro on Habeas Corpus

The petition is denied.

D045613 Gay v. El Cajon Lodge 1812 et al.

At the request of Petitioner, the petition is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MARCH 8, 2005

D045390 In re P.B., a Juvenile

The appeal is dismissed. Nares, Acting P.J.; We Concur: McDonald, J., Aaron, J.

D045601 In re James K., IV, a Juvenile

The appeals are dismissed. Irion, J.; We Concur: McConnell, P.J., O'Rourke, J.

D042999 Hall et al. v. Hall as Trustee et al./Merchant et al.

The judgment is affirmed. Plaintiffs' counsel, Thomas E. Polakiewicz, is directed to pay cross-appellant Thomas J. Hall, executor of the estate of Bernice E. Stoddart, \$682.50 for his reasonable attorney fees and costs incurred in opposing Plaintiffs' motion to vacate our dismissal of their appeal. The parties shall pay their own costs on appeal. McDonald, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D044561 In re the Marriage of Ratliff

The court's order setting the amount of spousal support is reversed and the matter is remanded for further proceedings on that issue. The court's orders are otherwise affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Irion, J.

D044340 People v. Ryan

The judgment is reversed and the matter remanded for further proceedings. McIntyre, J.; We Concur: Benke, Acting P.J., Huffman, J.

D045449 In re Mary L., a Juvenile

The appeal is dismissed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D045502 In re Elizabeth L., a Juvenile

The appeal is dismissed. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D045805 Holloway v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MARCH 9, 2005

D045065 People v. Molina

The judgment is modified by striking the conviction of assault by means likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(1)). As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections. Haller, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D045801 In re Dillard on Habeas Corpus

The petition is denied.

D044893 Yates v. San Diego Unified School District Board of Education

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

D043890 People v. Armour

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Huffman, J.

D045739 In re Langston on Habeas Corpus

The petition is denied.

D045041 In re Darin J., a Juvenile

The judgment terminating Father's parental rights is reversed. The matter is remanded to the juvenile court with directions to hold a new hearing on his section 388 petition. McIntyre, J.; We Concur: Benke, Acting P.J., Aaron, J.

D043832 People v. Dixon

D045490 Dixon v. Superior Court of San Diego County/People

The pending petition for writ of mandamus, *Dixon v. Superior Court*, D045490, and the pending appeal, *People v. Dixon*, D043832, are consolidated for consideration and disposition.

D043832 People v. Dixon

D045490 Dixon v. Superior Court of San Diego County/People

The judgment is affirmed. The petition is denied. Haller, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D044141 People v. Stockton

The petition for rehearing is denied.

D045749 In re Marriage of Shapard

Pursuant to California Rules of Court, rule 8, the appeal filed January 6, 2005, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rule 4(b) and 5(c)).

D045309 Care Medical Transportation, Inc. v. Hoffman

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MARCH 9, 2005 (Continued)

D045996 In re Brandon L., a Juvenile

The notice of appeal is untimely. The appeal is dismissed.

D045802 In re Armenta on Habeas Corpus

The petition is denied.

D045747 Bell Helicopter Textron, Inc. v. Superior Court of San Diego County/Malsch et al.

The petition is denied.

D045920 Partee v. Superior Court of San Diego County/The People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MARCH 10, 2005

D045245 In re Thompson on Habeas Corpus

The petition is denied.

D044960 Kilkenny v. Ellis et al.

Appellants have failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).
The appeal is dismissed.

D044407 People v. Thompson

The judgment is reversed as to count 1. The judgment is otherwise affirmed. Aaron, J.;
We Concur: McDonald, Acting P.J., McIntyre, J.

D044261 People v. Soto

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Irion, J.

D044262 McBrearty v. City of Brawley

The judgment is affirmed. Respondent City of Brawley is awarded its attorney fees and costs on appeal.
The matter is remanded to the superior court to determine the amount of those attorney fees and costs.
Irion, J.; We Concur: McConnell, P.J., Nares, J.

D043357 Smithfield et al. v. Vista Unified School District et al.

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Huffman, J.

D045808 Gaspar Holding, Inc. et al. v. Sergio Esparza

Pursuant to California Rules of Court, rule 8, the appeal filed by Gaspar Holding, Inc. is dismissed for
failure of appellant to timely deposit the costs of preparing the record on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MARCH 11, 2005

D044526 People v. Smith

The judgment is affirmed as modified. The matter is remanded for modification of the trial court's minute order and the abstract of judgment to reflect imposition of five 1-year terms on the section 667.5, subdivision (b) enhancements. The trial court shall forward to the Department of Corrections an amended copy of the abstract of judgment. Aaron, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D043452 NAS Engineering & Construction, Inc. v. Armco

The orders are affirmed. Nares, Acting P.J.; We Concur: Haller, J., Irion, J.

D043101 NAS Engineering & Construction, Inc. v. Armco, Inc.

The order denying First National's motion for attorney fees and costs is affirmed. The judgment, as interpreted in this opinion, is affirmed. Nares, Acting P.J.; We Concur: Haller, J., Irion, J.

D044872 People v. Corona

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D044424 People v. Blankenship

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., O'Rourke, J.

D043646 People v. Stewart

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

D045874 Mesdaq v. Superior Court of San Diego County/Redevelopment Agency of the City of San Diego

The application of Pacific Legal Foundation to file an amicus brief in support of petitioner is denied. The Clerk of the Court is directed to return the brief(s) to counsel for Pacific Legal Foundation.

D045874 Mesdaq v. Superior Court of San Diego County/Redevelopment Agency of the City of San Diego

The petition is denied. The stay issued February 15, 2005 is vacated.

D045803 In re Styles on Habeas Corpus

The petition is denied.

D045856 In re Brim on Habeas Corpus

The petition is denied.

D045772 Longs Drug Stores Corporation et al. v. Superior Court of San Diego County/Rankin

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
MARCH 11, 2005 (Continued)

D045354 Independent Association of Mailbox Center Owners Inc., et al. v. Superior Court of San Diego County/Mail Boxes etc. USA Inc., et al.

For good cause shown the Superior Court of San Diego County is ordered to show cause why the relief requested should not be granted. Absent objection on or before March 21, 2005, the response on file will be deemed the return to the order to show cause. Petitioner may file a reply on or before March 30, 2005. Oral argument will be deemed waived absent a request on or before April 4, 2005.

D045804 In re Baumer on Habeas Corpus

The petition is dismissed.

D045548 Volkonskaya-Wild v. Superior Court of San Diego County/Wild

The writ proceeding is dismissed. The order to show cause is discharged. The stay issued by this court on December 21, 2004 is vacated.

D045237 In re Courtney S. et al., Juveniles

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.